



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 7631-02
6 December 2002

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 December 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 4 January 1954 at age 18. During the period from 22 August 1955 to 6 February 1956 you received nonjudicial punishment on three occasions for two periods of unauthorized absence totaling less than two days and disobedience.

A special court-martial convened on 8 March 1956 and convicted you of an unauthorized absence of about 16 days. On 14 June 1956 you were convicted by a summary court-martial of failure to go to your appointed place of duty and disobedience. A second special court-martial convened on 27 September 1956 and convicted you of two periods of unauthorized absence totaling about 34 days and disobedience. The court sentenced you to forfeiture of \$65 pay per month for six months, confinement at hard labor for six months and a bad conduct discharge. On 9 January 1957 you elected to waive your right to request restoration to duty stating that you had family problems and that you could not adjust to military life. The bad conduct discharge was issued on 21 February 1957.

In its review of your application, the Board carefully weighed

all potentially mitigating factors, such as your youth, limited education and your contention that you could not adjust to military life because of claustrophobia. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given the frequency of your misconduct and especially the offenses of which you were convicted at the last court-martial. There is nothing in the record to show that you were ever diagnosed with claustrophobia. You certainly did not mention that condition when you elected to waive the right to request restoration to duty.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director